



PUBLIC NOTICE

Federal Communications Commission
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DA 15-1318
November 16, 2015

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
CERTAIN ACCESS LINES FROM MIDSTATE COMMUNICATIONS, INC. TO
NORTH DAKOTA TELEPHONE COMPANY**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 15-263

Comments Due: November 30, 2015

Reply Comments Due: December 7, 2015

Midstate Communications, Inc. (Midstate) and North Dakota Telephone Company (NDTC) (together, Applicants) filed an application pursuant to section 214 of the Communications Act of 1934, as amended (Act), seeking approval to transfer control of access lines from Midstate to NDTC.¹

Midstate, a North Dakota corporation, is a rural incumbent local exchange carrier (LEC) serving approximately 1,008 access lines in the North Dakota exchanges of Beach (located in the southwest portion of the state) and York (located in the northeast portion of the state). Applicants state that the following U.S. citizens own Midstate: Ryan Wilhelmi (30 percent), David Wilhelmi (35 percent), Tom Wilhelmi (17.5 percent), and Tim Wilhelmi (17.5 percent).

NDTC, a North Dakota corporation, is a rural incumbent LEC serving approximately 11,778 access lines in the following North Dakota exchanges: Balta, Cando, Crary, Devils Lake, Drake, Esmond, Fessenden, Fort Totten, Hampden, Harvey, Knox, Leeds, Maddock, McVile, Minnewaukan, New Rockford, Oberon, Pekin, Penn, Sheyenne, Starkweather, Tolna, Rugby, Warwick, and Webster. Applicants state that Midstate's York exchange is located in the northwestern portion of the NDTC service area, adjacent to and entirely surrounded by NDTC. Applicants state that TPC, Inc. owns 100 percent of the equity of NDTC, and that the following entities own TPC, Inc.: United Telephone (40.5 percent), Polar Communications (40.5 percent), and Dakota Central Telecom (19 percent). All entities are U.S.-based. Applicants state that there are no other 10 percent or greater interest holders of NDTC. Because of the adjacent service territories Applicants have identified, this application is not subject to presumptive streamlining under section 63.03 of the Commission's rules.²

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants state that they have separately filed a Joint Petition for Waiver of Study Area Boundary associated with this transaction. Applicants filed a supplement to their domestic section 214 application on November 12, 2015.

² 47 C.F.R. § 63.03.

Pursuant to the terms of the proposed transaction, Midstate will relinquish to NDTC 20 access lines in Midstate's existing York exchange. Applicants state that NDTC will assume the York exchange serving territory and will incorporate it into its existing Leeds Exchange. The transfer of lines does not involve any purchase or assignment of assets as NDTC will overbuild facilities to serve the former Midstate York exchange customers. Applicants assert that a grant of the application will serve the public interest, convenience, and necessity.

Domestic Section 214 Application Filed for the Transfer of Control of Certain Access Lines of Midstate Communications, Inc. to North Dakota Telephone Company, WC Docket No. 15-263 (filed Oct. 28, 2015).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before November 30, 2015**, and reply comments **on or before December 7, 2015**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Myrva.Freeman, Competition Policy Division, Wireline Competition Bureau, myrva.freeman@fcc.gov;
- 2) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), 1-888-835-5322 (tty).

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are

deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

For further information, please contact Myrva Freeman at (202) 418-1506 or Jodie May at (202) 418-0913.

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